

IN THE SUPREME COURT OF THE STATE OF FLORIDA

CASE NO. SC03-833

INQUIRY CONCERNING A JUDGE NO. 02-370

RE: JUDGE CARVEN D. ANGEL

STIPULATION

In this disciplinary proceeding, the Investigative Panel of the Florida Judicial Qualifications Commission (the "JQC") and Circuit Court Judge Carven D. Angel ("Judge Angel") present the following stipulation to this Court pursuant to Article V, Section 12 of the Florida Constitution and Rule 6(j) of the Florida Judicial Qualifications Commission's Rule as amended.

1. Under Rule 6(j), the Investigative Panel "may reach agreement with a judge on discipline or disability, and such stipulation shall be transmitted directly to the Supreme Court, to accept, reject or modify in whole or in part."

2. A Notice of Investigation was served on Judge Angel on March 12, 2003. Judge Angel submitted a response thereto on April 8, 2003. A hearing before the Investigative Panel was held in Miami, Florida on April 11, 2003 at which Judge Angel appeared and testified.

3. A Notice of Formal Charges was filed by the Investigative Panel and served on Judge Angel on May 23, 2003. Judge Angel answered the formal charges on June 13, 2003.

4. After an extensive review of the record, including the hearing transcript, Judge Angel's responses and sworn affidavits from Gloria Angel and Tommy Smith, the

Investigative Panel respectfully submits that the interest of justice and sound judicial administration are best served by entering into this Stipulation regarding the matters at issue and by the Findings and Recommendations which accompany this Stipulation.

5. The violations charged arise from and relate exclusively to the conduct of Judge Angel and members of his immediate family during his successful campaign for re-election as a circuit court judge in Marion County, Florida. The charges do not assert that Judge Angel has engaged in any dishonest, immoral or corrupt conduct. Moreover, none of the charges relate to Judge Angel's conduct in office.

6. Judge Angel has served as a Circuit Court Judge in Marion County, since 1978, and intends to retire at the end of his current term of office.

7. Judge Angel admits the following conduct, and the impropriety of that conduct, which occurred during the course of his 2002 election campaign for the judgeship he presently holds.

- a. During the campaign, in violation of § 105.071(1), Florida Statutes, and Canon 7A.(1)(d) he attended and participated in a regular meeting of the Ocala Republican Womens Club.
- b. During the campaign, in violation of § 105.071(1), Florida Statutes, and Canon 7A.(1)(d), he attended and he and members of his family campaigned for his election at a "Salute to Labor Picnic and Democratic Candidate Rally."
- c. During the campaign, on or about August 15, 2002, in violation of § 105.071(1), Florida Statutes, and Canon 7A.(1)(d), he attended

and participated in a meeting of the Republican Club of Sumter County.

- d. During the campaign on or about August 26, 2002, in violation of § 105.071, Florida Statutes and Canon 7A.(1)(d), 7A.(3) and 7C.(3), with his knowledge his wife attended and participated on his behalf in the Lake County Federated Women Republican's "Meet the Candidate Night." His opponent was not present. His wife assumed his opponent was invited, but in fact his opponent was not invited.
- e. During the campaign, in violation of § 105.071(1), Florida Statutes, and Canon 7A.(1)(d) and 7C.(3), he attended the "Dennis Baxley Family Picnic" which was a partisan political gathering to support Republican Dennis Baxley, a Republican candidate for the Florida House of Representatives, to which his opponent was not invited and spoke asking for the votes of the persons present.
- f. During the campaign, in violation of § 105.071(1), Canon 7A.(1)(d) and Canon 7C.(3), he attended a Marion County Republican Party forum in Ocala and was recognized as a judicial candidate.
- g. During the campaign, in violation of § 105.071(3), Florida Statutes, and Canon 7C.(3), when asked about his political party affiliation he identified himself as a member of a partisan political party and thus himself out as a member of a partisan political party.

8. Judge Angel accepts full responsibility for the conduct set forth above, admits that it should not have occurred and regrets and apologizes for such conduct. Judge Angel denies that he intended to violate applicable law, and contends that he acted in the good faith belief that such campaign conduct was no longer prohibited in light of several controlling federal appellate court decisions issued in 2002. Judge Angel now acknowledges that his understanding of the effect of the foregoing decisions on the Florida Canons and statutes, restricting the partisan campaign conduct of Florida judicial candidates, was erroneous. Judge Angel insists, however that he acted honestly and in good faith. There is nothing in the record to indicate that Judge Angel did not do so.

9. The Investigative Panel and Judge Angel have reached an agreement on what both believe is appropriate discipline under the circumstances. Consequently, the Investigative Panel has filed Findings and Recommendations of Discipline with the Court. A true and correct copy is attached hereto. Judge Angel does not contest the Findings and Recommendations and waives a plenary hearing before the Hearing Panel of the Florida Judicial Qualifications Commission.

10. The parties acknowledge and understand that this Stipulation and attached Findings and Recommendations of Discipline are subject to the review and approval of this Court. The parties acknowledge and understand that this Stipulation and Findings and Recommendations of Discipline may be rejected by the Court, and in that event this matter may be returned to the Hearing Panel for a final plenary hearing. In such an event, the parties agree that none of the statements in the Stipulation (or the attached Findings and Recommendations of Discipline) are admissible in that hearing

for any purpose. The parties further agree that none of the negotiations related to this Stipulation are admissible for any purpose.

11. The parties agree that oral argument before this Court is not necessary in light of the record, the nature of the charges and the contents of this Stipulation and the attached Findings and Recommendation of Discipline. As noted above, Judge Angel waives his right to further hearings if this stipulation is accepted.

12. Upon acceptance of this Stipulation by this Court, Judge Angel will cause to be dismissed Appeal 03-12756-11, *Angel v. Florida Judicial Qualifications Commission*, pending before the United States Court of Appeals for the Eleventh Circuit.

13. To provide this Court with a full and complete record of these proceedings, filed with this Stipulation are the following materials.

- a. Notice of Investigation;
- b. Judge Angel's Response to the Notice of Investigation;
- c. Transcript of Proceedings before the Investigative Panel on April 11, 2003.
- d. Notice of Formal Charges;
- e. Judge's Answer to the Formal Charges; and
- f. Sworn Affidavits from Gloria Angel and Tommy Smith, July 22, and July 11, respectively.

Dated This ____ day of _____, 2003.

<p>Respectfully submitted,</p> <hr/> <p>Richard C. McFarlain Chairman of the Judicial Qualifications Commission Florida Judicial Qualifications Commission Tallahassee, Florida</p> <hr/> <p>Thomas C. MacDonald, Jr. Florida Bar No. 049318 General Counsel Florida Judicial Qualifications Commission 1904 Holly Lane Tampa Florida 33629 (813) 254-9871 (Telephone)</p>	<hr/> <p>MARVIN E. BARKIN Florida Bar No. 3564 MICHAEL K. GREEN Florida Bar No. 763047 MARIE TOMASSI Florida Bar No. 772062 TRENAM, KEMKER, SCHARF, BARKIN FRYE, O'NEILL & MULLIS, P.A. 2700 Bank of America Plaza 101 East Kennedy Boulevard Post Office Box 1102 Tampa, Florida 33601-1102 (813) 223-7474 (Telephone) (813) 229-6553 (Fax) Attorneys for Defendant Florida Judicial Qualifications Commission</p>
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